



WP (MD) No.19350 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.19350 of 2023

and

WMP (MD) No.23252 of 2023

P.Alagarsamy

... Petitioner

Vs

- 1.The Joint Commissioner,
Hindu Religious and
Charitable Endowment Department,
Dindigul.
- 2.The Assistant Commissioner,
Hindu Religious and
Charitable Endowment Department,
Palanichettipatty,
Theni District.
- 3.The Trustee,
Representing Arulmighu Kamatchiamman Temple,
Thenkarai, Periyakulam,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for a writ of mandamus directing the respondents herein to permit the petitioner to remove the tin shed put up by him over the vacant land in S.No. 2348/1,2, Thenkarai Village, Periyakula, Theni District owned by the 3rd respondent temple leased out to the



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petitioner, based on the petitioner's representation dated 01.06.2023.

For petitioner : Mr.A.Mithun Chakravarthi
For Respondent : Mr.P.Subbaraj,
Nos.1 & 2 Spl.Govt.Pleader
For Respondent : Mr.S.Madhavan
No.3

ORDER

The petitioner has obtained lease for a vacant land in S.No.2348/1 & 2, Thenkarai Village, Periyakulam, Theni District, which belong to the 3rd respondent temple.

2.The petitioner has put up a shed in the vacant land to an extent of 500 Sq.Ft by spending Rs.Two Lakh and is using the same as a commission mandi. The rent was fixed as Rs.900/- with a condition that there would be 50% of increase every proceeding year. The petitioner claims that he was paying the rent without any default till the year 2018. In the year 2018 there was a change in the administration and they have demanded a sum of Rs.5,29,606/- as arrears of lease amount for the period



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2001 - 2020. The petitioner was not willing to accept this demand. Therefore he has vacated the premises. Since the petitioner has put up a shed by spending Rs.Two Lakh in the temple land, he has sought permission to remove the shed put up by him and has filed this writ petition for a mandamus directing the respondent to permit him to remove the same.

3.The learned Counsel for the respondent temple submits that this petitioner is having an arrears of rent to the 3rd respondent to the tune of Rs.6,33,116/-and therefore, this petitioner was not given permission to remove the shed.

4.This Court considered the rival submissions and perused the materials placed on record.

5.The learned Counsel for the 3rd respondent claims that the petitioner is liable to pay a sum of Rs.6,33,116/-. The petitioner claims that the vacant site was leased out to him and the rent for the vacant site was fixed as Rs.900/-. There is no material placed on record on what



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basis the rent has been revised by the 3rd respondent temple. Therefore this writ petition is disposed of with liberty to the petitioner to submit a fresh representation seeking the details with regard to the fixation of rent by the 3rd respondent and the 3rd respondent shall furnish the same to the petitioner for the vacant site leased to the petitioner. The rent has to be revised as per the terms of the lease and in accordance with circulars and the guidelines issued in this regard. The petitioner shall pay the entire arrears of rent within a period of six months from the date of this revised demand and on such payment, the respondents shall permit the petitioner to remove the shed put up by him. No costs. Consequently connected miscellaneous petition is closed.

01.03.2024

dsk

To

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- 2.The Assistant Commissioner,
Hindu Religious and
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Palanichettipatty,
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B.PUGALENDHI, J.

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